

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Mary Francis Mason,)	
)	
Plaintiff,)	Civil Action No. <u>2:21-cv-551-RMG</u>
)	
v.)	(Civil Action No. 2021-CP-10-0064)
)	(Court of Common Pleas)
)	
Waffle House, Inc.,)	NOTICE OF REMOVAL
)	
Defendant.)	
)	

Pursuant to 28 U.S.C. § 1446, the Defendant Waffle House, Inc. hereby invokes the jurisdiction of the United States District Court for the District of South Carolina and states the following grounds for removal:

1. On January 7, 2021, the above-captioned action was brought in the Court of Common Pleas for Charleston County by the Plaintiff to recover monetary damages from the Defendant Waffle House, Inc. The Plaintiff has asserted a negligence cause of action wherein she alleges that on June 6, 2020, she fell to the floor from a broken toilet seat at a Waffle House restaurant located in North Charleston, South Carolina.
2. The Defendant Waffle House, Inc. was served with the Summons and Complaint on January 25, 2021.
3. The Defendant Waffle House, Inc. is a corporation organized and existing under the laws of the State of Georgia. Moreover, the Defendant's principal place of business is located in the State of Georgia.

4. Based on the allegations of the Complaint, the Plaintiff is a citizen and resident of the State of South Carolina.

5. The prayer for relief in the Complaint is unspecified. The Plaintiff has prayed for an unspecified amount of actual and punitive damages. Prior to suit being filed, the Plaintiff through her counsel in a letter dated October 13, 2020, made a demand of the Defendant for \$650,000 to settle this matter. In that same letter, the Plaintiff's counsel identified medical expenses totaling \$62,425.53. Therefore, the amount in controversy exceeds \$75,000.00.

6. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship of the named parties in the Complaint. Furthermore, based upon information learned prior to suit being filed, the amount in controversy exceeds the sum or value of \$75,000.00. Consequently, this action may be removed pursuant to 28 U.S.C. § 1441.

7. The Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by the Plaintiff and without conceding that the Plaintiff has pled claims upon which relief can be granted.

8. This Notice is filed with this Court within thirty days of service of the Summons and Complaint.

9. The attorney of record for the Defendant signs this Notice of Removal pursuant to Rule 11, FRCP.

WHEREFORE, the Defendant Waffle House, Inc. prays that this Court accept this Notice of Removal which is being filed and that this Court take jurisdiction of the above-captioned action and that all further proceedings in the action in the Court of Common Pleas for Charleston County, State of South Carolina, bearing Civil Action No. 2021-CP-10-0064, be stayed.

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann
ANDREW F. LINDEMANN #5070
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920
Email: andrew@ldlawsc.com

Counsel for Defendant Waffle House, Inc.

February 23, 2021